In the Supreme Court of the United States

OCTOBER TERM, 1953

No. 598

GUY FARMER, CHAIRMAN OF THE NATIONAL LABOR RELATIONS BOARD, ET AL., PETITIONERS

v.

INTERNATIONAL FUR & LEATHER WORKERS UNION OF UNITED STATES AND CANADA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM IN REPLY TO BRIEF IN OPPOSITION

This memorandum is filed in response to respondent's suggestion (Br. 3) that completion of the criminal proceedings,[1] presently pending in the District Court for the District of Columbia against Ben Gold, respondent's president, will moot the instant case. Paragraph 2 of the order (R. 46) here challenged specifically enjoins the National Labor Relations Board from—

> a. In any way applying to the plaintiff [respondent here] said Statement of Policy promulgated October 23, 1953.

[1] On April 2, 1954, the jury returned a verdict finding Gold guilty on two of the three counts of the indictment.

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> b. Limiting, restricting, or suspending in any way the status of the plaintiff [respondent here] as a complying union by reason of the pending indictment of its president.

While final disposition of the indictment against Gold prior to resolution of the instant controversy may render paragraph 2 (b) of the order moot, it would not render paragraph 2 (a) moot. As shown in our Petition, pp. 4–5, the Board's indictment policy contemplates that the Board will hold in abeyance certain administrative action in representation cases involving unions, any of whose officers are under indictment for filing false Section 9 (h) affidavits. Regardless of the ultimate disposition of the Gold indictment, paragraph 2 (a) will still preclude the Board from pursuing its policy with respect to respondent in the event that any of respondent's officers may now or hereafter be indicted for filing false affidavits under Section 9 (h) of the National Labor Relations Act. Accordingly, the case will not become moot as suggested by respondent.

Respectfully submitted.

SIMON E. SOBELOFF,
Solicitor General.

GEORGE J. BOTT,
General Counsel,
National Labor Relations Board.

APRIL 1954.

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